

DOCKET NO: D00590.70019.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

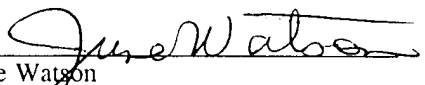
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Applicant(s): Titus Kaletta, et al.  
Serial No.: 09/857,478  
Confirmation No.: 4784  
Filed: August 17, 2001  
For: METHODS FOR CONSTRUCTING LIBRARIES OF  
PHENOTYPE PROFILES

Examiner: Sumesh Kaushal  
Art Unit: 1636

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 8<sup>th</sup> day of April, 2003.

  
June Watson

Commissioner for Patents  
Washington, D.C. 20231

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed.

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PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The above-identified U.S. application claims priority to application Serial No. **PCT/EP99/09710**. If the Examiner has not had the benefit of review of the file history of **PCT/EP99/09710**, then he/she is asked to contact the undersigned, who will provide a copy of same.

The Applicant would like to bring to the Examiner's attention the enclosed search report from a corresponding International or Foreign National Application.

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The following are remarks concerning the other information cited:

PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
*Titus Kaletta, et al., Applicant*



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Docket No. D00590.70019.US  
Date: April 8, 2003  
**xNDD**

APR 14 2003 11/14/03 # 7

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FORM PTO 449/A and B (Modified)

APPLICATION NO.: 09/857,478

ATTY. DOCKET NO.: D00590.70019.US

**INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

FILING DATE: August 17, 2001

CONFIRMATION NO.: 4784

APPLICANT: Titus Kaletta, et al.

GROUP ART UNIT: 1636

EXAMINER: Sumesh Kaushal

Sheet 1 of 1

#### U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		

#### FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
✓	B1	WO	90/09096	A2	Cambridge Neuroscience Res, et al.	08-23-1990	
✓	B2	WO	91/19007	A1	Trustees of Columbia University	12-12-1991	
✓	B3	WO	96/38555	A1	Bogaert, et al.	12-05-1996	
✓	B4	WO	97/11956	A1	Trustees of Columbia University	04-03-1997	
✓	B5	WO	98/23145	A1	Gene Networks Inc.	06-04-1998	

#### OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
✓	C1	AHRINGER, et al., <i>Curr Opin. in Genet &amp; Dev.</i> 7:410-415 (1997)	
✓	C2	BOGAERT, T., et al., In: MARTOX: Ecotoxicological Testing for the Marine Environment, Vol. 2, International Symposium on Ecotoxicological Testing for the Marine Environment, Ghent Belgium, Sept. 12-14, 1983. Pp. 21-30.	
✓	C3	BRENNER, et al., <i>Genetics</i> 77:71-94 (1974)	
✓	C4	KATSURA, et al., <i>Genetics</i> 136:145-154 (1994)	
✓	C5	MALONE, et al., <i>Genetics</i> 136:879-886 (1994)	
✓	C6	Patent Cooperation Treaty, International Search Report for PCT/EP99/09710, dated July 17, 2000.	
✓	C7	SAMOILOFF, M.R., et al., "The use of nematodes in marine ecotoxicology" In: MARTOX: Ecotoxicological Testing for the Marine Environment, Vol. 1, International Symposium on Ecotoxicological Testing for the Marine Environment, Ghent Belgium, Sept. 12-14, 1983. Pp. 407-426.	
✓	C8	STORFER-GLAZER, et al., <i>Genetics</i> 137:499-508 (1994)	
✓	C9	TRENT, et al., <i>Genetics</i> 104:619-647 (1983)	
✓	C10	UK Patent Office, Search Report for GB 9826890.7, dated May 24, 1999	
✓	C11	VAN SWINDEREN, et al., <i>Proc. Natl. Acad. Sci. USA</i> , 94:8232-8237 (1997)	

EXAMINER	DATE CONSIDERED
<i>Sumesh Kaushal</i>	10/20/03

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_, filed \_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]